

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE
2004 JUN 23 P 4:11

SHAW'S SUPERMARKETS, Inc.

Plaintiff

v.

UNITED FOOD AND COMMERCIAL
WORKERS UNION, LOCAL 791,
AFL-CIO

Defendant

C.A. No. 04-CV-11219 DPW

**AFFIDAVIT OF WARREN H. PYLE IN SUPPORT OF MOTION
FOR AWARD OF ATTORNEYS FEES**

Warren H. Pyle, being first duly sworn, deposes and says:

1. I am an attorney admitted to practice law in the Commonwealth of Massachusetts, as well as the United States Supreme Court, the United States Court of Appeals for the First Circuit, and this Court. I am a graduate of Harvard College (1955) and Harvard Law School (1958).
2. I am a partner in the law firm of Pyle, Rome, Lichten & Ehrenberg. Since Graduation from law school, I have practiced labor and employment law, representing labor organizations and employees. I have represented a wide variety of labor organizations in all aspects of a union's legal activities, including National Labor Relations Act, ERISA, Bankruptcy Act, arbitration, litigation and other matters.
3. I have been a chapter editor or co-editor of The Developing Labor Law, a treatise used by all labor law practitioners for many years. I have prepared and presented papers on a variety of labor and employment law topics at national convocations of labor

lawyers for the past thirty years. I am a member of the Massachusetts Chapter of the National Employment Lawyers Association and the Labor and Employment Law Section of the Massachusetts Bar Association.

4. I have litigated a number of cases involving arbitration awards in the Court of Appeals, including Poland Spring Corp. v. United Food and Commercial Workers Union, Local 1445, 314 F.3d 29 (1st Cir. 2003), cert. denied, U.S.-(2003). Local 1445, United Food and Commercial Workers Union v. Stop & Shop Co., 776 F.2d 19 (1st Cir. 1985), Trustees of Boston University v. Boston University Chapter, American Association of University Professors, 746 F.2d 924 (1st Cir. 1984), Derwin v. General Dynamics Corp., 719 F.2d 484 (1st Cir. 1983). I was also counsel for Local 791 in Shaw's Supermarkets, Inc. v. Local 791, United Food and Workers Union, Civil Action No. 03-11049-NG.

5. I believe that the hourly rate I am requesting in this case, \$300.00, is commensurate with that paid to other attorneys in the area for litigation in labor and employment law cases. Because of my experience and knowledge of court decisions in appeals from arbitration awards, I was able to perform the necessary research and writing in an efficient manner. In Shaw's Supermarkets, Inc. v. Local 791, Civil Action No. 03-11049-NG, a case in which Shaw's sued unsuccessfully to set aside an arbitration award, Judge Gertner awarded me attorneys fees at an hourly rate of \$300.00. Much of the research and drafting work in this case was performed by Alfred Gordon, Esq., of our firm. I have requested \$175.00 per hour for his work.

6. Our billing records show that I and Alfred Gordon worked the following hours in this matter:

<u>Date</u>	<u>Item</u>	<u>Hours</u>
-------------	-------------	--------------

Warren Pyle:

6/4/04	Review Shaw' complaint and motion for TRO	1.0
6/6/04	Research and work on opposition to Shaw's motion for TRO	3.5
6/8/04	Review file; further research and Court hearing on Shaw's motion for TRO	3.5
6/18/04	Preparation of motion for attorneys fees	1.0

Total hours WHP	9.0
Hourly rate	\$300.00
Total	\$2,700.00

Alfred Gordon:

6/4/04	Review complaint and memorandum of Shaw's in support of motion for TRO; research case law	4.5
6/5/04	Research, draft opposition to motion for TRO	4.7
6/7/04	Further research and complete drafting opposition to motion for TRO; work with client for affidavit in support of opposition; contact with Shaw's attorney re schedule for hearing	5.3
6/7/04	Attend court hearing; research re: sanctions	2.4
6/18/04	Prepare answer, motion to dismiss, and research for memorandum in support of motion to dismiss	3.9
6/21/04	Further research and drafting memorandum in support of motion to dismiss	4.7

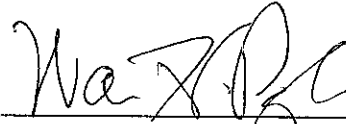
Total hours AG	25.5
Hourly rate	\$175.00
Total	\$4,462.50

Total WHP and AG	<u>\$7,162.50</u>
-------------------------	--------------------------

Respectfully submitted,

LOCAL 791, UNITED FOOD AND
COMMERCIAL WORKERS UNION

By its attorneys,

A handwritten signature in black ink, appearing to read "Warren H. Pyle", written over a horizontal line.

Warren H. Pyle, BBO #408400
Pyle, Rome, Lichten & Ehrenberg
18 Tremont Street, Suite 500
Boston, MA 02108

Dated: June 15, 2004